

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

FEB 04 2009

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN, Clerk
UTICA

MAURICE LOWRY,

Plaintiff,

ORDER

-vs-

Case No.: 6:07-cv-0847

NICOLA BELLI and
ANGELITA CLYMER,

(DNH/GJD)

Defendants.

Defendants, Nicola Belli and Angelita Clymer, by their attorneys, Murphy, Burns, Barber & Murphy, LLP, Thomas K. Murphy, Esq., of counsel, having duly moved for an Order pursuant to Federal Rule Civil Procedure 56 dismissing the complaint in the above-entitled action and directing that summary judgment be entered in their favor and against the plaintiff, upon the ground that the cause of action has no merit, and the motion having regularly come on to be heard,

NOW, upon reading and filing the notice of motion filed December 22, 2008 (Docket 26), the affidavit of Thomas K. Murphy, Esq. in support of the motion, sworn to on the 22nd of December, 2008, the exhibits annexed thereto, the summons, complaint and answer heretofore served herein, the notification of the consequences of failing to respond to a summary judgment motion, the certificate of service of the said motion papers upon plaintiff, and there having been no opposition to the motion filed by plaintiff, and after due deliberation having been held thereon, now, upon motion of Thomas K. Murphy, Esq., attorney for defendants Nicola Belli and Angelita Clymer, it is

ORDERED that the Motion be and the same is hereby in all respects granted, and that the complaint herein be and the same is hereby dismissed, and it is further

ORDERED that judgment be entered herein by the Clerk of this Court in favor of the defendants, Nicola Belli and Angelita Clymer, and against the plaintiff, Maurice Lowry.

The Clerk is directed to serve a copy of this Order on the plaintiff by regular mail.

IT IS SO ORDERED.

Dated: Feb. 4, 2009

Utica, New York



David N. Hurd
United States District Judge